

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**
2 **HELD TUESDAY, NOVEMBER 28, 2017 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS**
3 **CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL**
4 **BOULEVARD, COTTONWOOD HEIGHTS, UTAH**
5

6 **Members Present:** Mayor Kelvyn Cullimore, Councilman Mike Peterson, Councilman Scott
7 Bracken, Councilman Mike Shelton, Councilman Tee Tyler
8

9 **Staff Present:** City Manager John Park, Assistant City Manager Bryce Haderlie, City
10 Attorney Shane Topham, Police Chief Paul Brenneman, Finance Director
11 Dean Lundell, Assistant Fire Chief Mike Watson, Community and Economic
12 Development Director Brian Berndt, City Recorder Paula Melgar, Public
13 Works Director Matt Shipp, Public Relations Specialist Dan Metcalf, City
14 Treasurer Dave Muir
15

16 **Excused:** Police Chief Robby Russo
17

18 **1.0 WELCOME/PLEDGE**
19

20 1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:05 p.m.
21

22 1.2 Mayor-Elect Mike Peterson led the Pledge of Allegiance.
23

24 **2.0 ACKNOWLEDGEMENTS**
25

26 **3.0 CITIZEN COMMENTS**
27

28 3.1 Mike Hanson, a District 3 resident, expressed concern regarding a post on social media from
29 Pam Roberts at Wasatch Front Recycling. He also referenced a script that was read from their
30 radio broadcast concerning the County making a decision to close up the transfer station after
31 the first of the new year. The City recently approved a budget with Wasatch Front Recycling
32 and it seemed to him that the change will have a significant impact in terms of maintenance,
33 wear and tear, increased insurance exposure, and issues associated with running trucks for
34 longer periods. Mr. Hanson commented that Cottonwood Heights City has these types of
35 issues under control.
36

37 3.2 Scott Bracken, the Council Member from District 2, serves on the Wasatch Front Waste and
38 Recycling District Board and indicated that the threat is very serious. He explained that a
39 transfer station is an interim point where trash is deposited rather than each truck driving all
40 the way to the Salt Lake County Landfill each trip. The transfer station allows drivers to
41 instead take loads to South Salt Lake and complete more routes with one truck during the day.
42 The elimination of the transfer station could result in the need for additional trucks, additional
43 employees, and additional gas and fuel costs. The change came as a surprise to the District as
44 well. Council Member Bracken reported that they have not held a board meeting since the
45 news was reported. The closure could impact each of the 83,000 households served by
46 Wasatch Front Recycling.
47

1 3.3 Mr. Hanson asked if there would be an opportunity for citizens to voice concerns to the
2 County. Council Member Bracken recommended Mr. Hanson make his concerns known to
3 the County Council. He noted that it was his understanding that they agreed to push the
4 closure to July 2018. Mayor Cullimore informed Mr. Hanson that the County Council meets
5 every Tuesday and they have open comment periods.
6

7 3.4 There were no further citizen comments.
8

9 4.0 PUBLIC COMMENT

10 4.1 Zoning Map Amendment for 3422 East Fort Union Boulevard (Parcel 22-26-230-007) to 11 Rezone the Property from R-1-8 (Residential Single-Family) to MU (Mixed Use). 12

13
14 4.1.1 Mayor Cullimore reported that zoning laws govern the use of property in the City. When
15 someone wishes to change the zoning of their property, they must seek a change to the law as
16 it pertains to their property. That is done primarily through the Planning Commission who
17 first reviews the application and holds a formal public hearing. Once the Planning
18 Commission has completed their review, they make a recommendation to the City Council
19 who is the only body that has the authority to change laws. These types of rezones requires
20 consideration of the underlying General Plan and Land Use Map for the area. The City
21 adopted its last Land Use Map shortly after incorporation showing that most property facing
22 Fort Union Boulevard from the Mouth of the Canyon to 1300 East has a land use designation
23 of Mixed-Use. The application submitted pertains to this specific area. The Planning
24 Commission made a positive recommendation to the City Council. Because of concerns
25 previously expressed by citizens and the Council, adjustments are being made.
26

27 4.1.2 Community and Economic Development Director, Brian Berndt, reported that what is
28 proposed is an amendment to the zoning map. The request is to change a property at 3422
29 East Fort Union Boulevard from the current zoning of R-1-8, which is single-family
30 residential, to a mixed-use designation. The property previously housed a Montessori School,
31 which was active until six to eight month ago. The property is roughly 12,000 square feet in
32 size and is one of the few parcels that fronts Fort Union in the area. The site was approved on
33 the original Land Use Map as Mixed Use. Going forward, that was the basis of the staff
34 recommendation of approval to the Planning Commission. Mr. Berndt stated that the
35 applicant submitted a change and was present to answer questions.
36

37 4.1.3 Council Member Shelton commented that the list of permitted uses includes a convenience
38 store use without gasoline or fast food without gasoline. Convenience retail store is also listed.
39 He asked about the difference between the two. Mr. Berndt commented that they are very
40 similar and redundant.
41

42 4.1.4 Mr. Berndt clarified that in their last discussion with the Council, there was a request to look
43 at possibly modifying the list of uses that can be considered. The list that was created was
44 provided by the applicant. The applicant, David Nichols, reported that the previous day he
45 submitted to City Planner, Andrew Hulka, a list of uses they were willing to omit. He stated
46 that they have been part of the neighborhood for many years and the property has never been
47 used as residential. They are concerned about what comes to the neighborhood and would
48 like to see a small business or office use that would generate very little traffic.

1
2 4.1.5 Council Member Tyler commended the Nichols for having eliminated several of the listed
3 uses for the benefit of the neighbors. The four uses he asked them to consider eliminating
4 were listed as numbers 7, 10, 11, and 12 under 19.36.020. Mr. Nichols stated that they have
5 an interested party who creates snow boots for handicapped people. The business owner
6 produces a product, has a fitting room, a sales area, and an apartment for himself to live in.
7 Council Member Tyler's impression was that the manufacturing aspect of such a business was
8 not of concern to the neighbors, however, the retail sale would be. Mr. Nichols stated that
9 regardless of who purchases the property, they will have to meet the zoning requirements in
10 terms of traffic, square footage, and parking. He was open to removing the four uses
11 identified.

12
13 4.1.6 In response to a question raised, Mr. Nichols stated that the existing building is two stories
14 and has a footprint of just over 2,000 square feet. He commented that theirs is one of the few
15 properties that faces Fort Union Boulevard. The comment was made that an office use would
16 generate much less traffic than the Montessori School did. Mayor Cullimore expressed
17 appreciation to the Nichols for their contribution over the years and stated that the school has
18 been a great asset and served as a landmark in the area.

19
20 4.1.7 Mayor Cullimore opened the public hearing.

21
22 4.1.8 Eric Kraan was not concerned with the property itself but the General Planning process. He
23 urged the Council to better involve the community in the process. He suggested that these
24 types of proposals take place at a specific time of the year in an effort to engage the
25 community.

26
27 4.1.9 There were no further public comments. The public hearing was closed.

28
29 **5.0 STANDING MONTHLY REPORTS**

30
31 **5.1 Monthly Financial Report – Finance Director, Dean Lundell.**

32
33 5.1.1 Finance Director, Dean Lundell, presented the Monthly Financial Report, and reported that
34 the amount shown from August's sales was higher than anticipated. Sales tax revenues for
35 August were \$527,160 compared to \$465,391 last year. Last year they were under budget by
36 \$18,000 and this year they are over budget by \$33,000. In general, the economy was doing
37 well and Mr. Lundell had heard no negative comments about retail sales. The month-to-month
38 trend for energy sales and use taxes was lower than it has been. The numbers for September
39 were nearly the same as last year. This was attributed to several things including the fact that
40 Rocky Mountain Power's rates were reduced, an increase in solar panels, and warmer weather.
41 Expenditures for the month of October were slightly under budget. The budgeted amount was
42 \$1,958,000 and the actual expenditures were \$1,895,000. Most years they underspend the
43 budget. The current trend is approximately \$500,000. Mr. Lundell reported that two Class C
44 Road Fund distributions have been received. The last distribution, which covers two months,
45 was almost the same as last year.

46
47 5.1.2 Mayor Cullimore asked about the Legislative Committees and Special Bodies' line item. He
48 observed that they have spent nearly 75% of the budget but are only one-third of the way

1 through the year. Mr. Lundell attributed that to activities such as Butlerville Days and the
2 play. He noted that the funds are mostly spent in the first quarter of the year.
3

4 5.1.3 With regard to Public Safety, the City contracts with UFA rather than the taxing district, which
5 has been of great benefit to the residents. Mayor Cullimore commented that when preparing
6 his article for the December newsletter he looked back at what has been accomplished in the
7 City. One of the key elements involved decisions made early on that have saved the citizens
8 significant amounts of money and resulted in services that are equivalent or better than what
9 they otherwise would have had.
10

11 5.1.4 City Treasurer, Dave Muir, reported that the analysis includes public safety costs showing
12 savings comparisons. He explained that the savings are tax increases not imposed. Mayor
13 Cullimore explained that when the City was formed in 2005, they were part of a newly formed
14 taxing district. The purpose was to fund a new Unified Fire Authority. The taxing district
15 primarily included unincorporated areas of the County in addition to a couple of cities that
16 opted to participate. Since the City was unincorporated at the time, it was included. As an
17 analysis was performed immediately after incorporation, Mr. Muir helped them understand
18 that the city would be paying significantly more for the same level of service. He explained
19 that the city would receive the same level of service, regardless of method of payment. By
20 running legislation with the Legislature in 2005, the city was able to exit the Fire District and
21 rejoin UFA as a member. Had the city remained in the taxing district paying the tax levels
22 shown on the graph displayed, the taxes would have averaged \$2 million per year more than
23 was paid by contracting directly. The average savings is \$2 million per year in terms of taxes
24 not imposed. Over the years the City has saved about \$26 million.
25

26 5.1.5 Mr. Muir stated that originally the city contracted with the County for police services and then
27 did a start-up of its own police department, which resulted in about a \$500,000 in additional
28 costs in the initial year of operations. That was the net of any capital cost startups. Since that
29 time, they have either been equal to what the County would have been charging or would have
30 saved money. On the police side, since 2009 to the present they have saved about \$4.2 million.
31 He commented that in addition to financial savings, they have also experienced an increase in
32 the level of service.
33

34 Mayor Cullimore commented that had the City not incorporated, the citizens would have paid
35 \$31 million more in taxes over the last 13 years for police and fire protection than they have.
36 He stated that they also received a much better level of service as a result of the changes.
37

38 5.1.6 Mr. Muir commented that the city has never raised property taxes and has always accepted
39 the certified tax rate, which generates the same revenue every year. Their first year of property
40 taxes was \$6,288,000 and this year it was around \$6,600,000. The difference was attributed
41 to growth and the recognition of new values that did not exist when the City incorporated.
42

43 **5.2 Unified Fire Report – Assistant Chief Mike Watson.**

44

45 5.2.1 Assistant Chief, Mike Watson, presented fire and medical call data and stated that Station 110
46 was 8th while Station 116 was 13th. In October 2017, both stations 110 and 116 closed with
47 38 fire calls. There were 155 medical calls for both stations. The trend was up in all cases
48 but one for both stations. Station 110 closed with 111 total calls, with 92 being medical calls

1 and 19 fire calls. Station 116 closed with 82 total calls with 53 being medical calls compared
2 to 19 fire calls. Medical calls by type included falls, traffic accidents, and sick person.
3 Assistant Chief Watson observed that falls and traffic accidents were common during the
4 month of October of 2016 as well. Fire calls by type included alarms, flooding/hydrant
5 problems, and house/shed/outside fires and natural gas leaks.
6

7 5.2.2 Station 110 transported 19 of 43 Advanced Life Support (ALS) calls and 16 of 49 Basic Life
8 Support (BLS) calls. There was a total of 35 transports of the total of 92 calls or 38%.
9 Although there is no ambulance at Station 116, there is a now a regional concept for
10 ambulances and there are still transports out of Station 116's zone. He suggested that Station
11 116 be moved back onto the transport page since they are missing the transportable calls in
12 the medical data. Ambulance transports in the 12-month view included a total of 35 transports.
13 Of those, 19 were ALS calls and 16 were BLS. The monthly percentages for Station 110
14 closed at 31.5. The customer service report included information outreach and participation
15 in the Health Fair at Whitmore Library. Station 110 conducted station tours and off-site talk
16 and demos. They also participated in the Trunk or Treat event. Station 116 performed five
17 off-site talk and demos. The safety message addressed extension cords.
18

19 **6.0 ACTION ITEMS**

21 **6.1 Consideration of Ordinance 284 Amending Map 19.51 – Planned Development District 22 Areas and Tiers of the Cottonwood Heights Code of Ordinances.**

24 6.1.1 Mayor Cullimore reported that the City Council is the City's legislative body and has the
25 authority to change laws, which include ordinances. The above ordinance changes the
26 Planned Development District areas in tiers. No actual zoning of property will be affected
27 although it will change the development map. They were specifically targeting an
28 undeveloped piece of property off of the Union Park entrance onto I-215. The PDD zone was
29 extended to apply to those in that area.
30

31 **6.1.2 MOTION:** Councilman Peterson moved to approve Ordinance Number 284. The motion
32 was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman
33 Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye.
34 The motion passed unanimously.
35

36 **6.2 Consideration of Resolution 2017-62 Approving and Interlocal Cooperation Agreement 37 with Salt Lake County for Transportation Funding.**

39 6.2.1 Mayor Cullimore reported that the above resolution approves entry into an Interlocal
40 Agreement with Salt Lake County and transferring \$1.96 million in transportation funds from
41 the County to the City. It is part of an allocation presented during the 2017 legislative session
42 where they were awarded \$2 million by the Legislature for certain transportation needs in the
43 City. The County is the administrator of those funds. The funds were distributed to the
44 County in July. The City has since completed the application process in order to receive all
45 but about \$40,000 of the proceeds money. Projects were already planned for the use of the
46 funds.
47

1 **6.2.2 MOTION:** Councilman Bracken moved to approve Resolution 2017-62. The motion was
2 seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman
3 Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye.
4 The motion passed unanimously.
5

6 **6.3 Consideration of Resolution 2017-63 Approving an Independent Contractor Agreement**
7 **with Evviva Enterprises, Inc. d/b/a Capitol Hill Advisors for Governmental Affairs**
8 **Consulting/Lobbying.**
9

10 6.3.1 Mayor Cullimore reported that the above resolution approves a contract with the City's
11 Lobbyist who represents the City on Capitol Hill. The contract is for \$42,000 for lobbying
12 services that are provided throughout the year but intensively during the Legislative Session
13 in January, February, and March. Councilman Shelton commented that there is a lot of value
14 to the Council and City in terms of being made aware of legislation that could potentially be
15 detrimental. The Mayor agreed and stated that Brian Allen and his group do a very good job
16 of maintaining the City's presence and keeping the Council informed of actions taking place.
17 It was observed that there was a slight increase in Capitol Hill Advisors' fee this year but is
18 the first increase in 12 years.
19

20 **6.3.2 MOTION:** Councilman Bracken moved to approve Resolution 2017-63. The motion was
21 seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman
22 Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye.
23 The motion passed unanimously.
24

25 **7.0 CONSENT CALENDAR**
26

27 **7.1 Approval of the City Council Business Minutes of September 12 and October 10 and 24,**
28 **2017. Also, Approval of the City Council Work Session Minutes for November 14, and**
29 **21, 2017. And Approval of the Board of Canvassers Meeting Minutes of November 21,**
30 **2017.**
31

32 **7.2 MOTION:** Councilman Shelton moved to approve the Consent Calendar. The motion was
33 seconded by Councilman Tyler. The motion passed with the unanimous consent of the
34 Council.
35

36 **8.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**
37

38 **8.1 MOTION:** Councilman Peterson moved to adjourn the Business Meeting. The motion was
39 seconded by Councilman Tyler. The motion passed unanimously.
40

41 8.2 The meeting adjourned at 7:55 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Council Business Meeting held Tuesday, November 28, 2017.*

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9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: December 19, 2017